

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
JERRY FRITH,	:	
	:	
Petitioner,	:	07 Civ. 5899 (JSR)
	:	
-v-	:	<u>ORDER</u>
	:	
NEW YORK CITY POLICE DEPARTMENT,	:	
	:	
Respondent.	:	
-----X	:	

JED S. RAKOFF, U.S.D.J.

The Clerk of the Court is directed to alter the docket text associated with Court Document Number 2, which currently reads "MOTION for Return of Seized Property," to read "Complaint (Motion for Return of Seized Property)." Under the law of the Second Circuit, such motions should be treated as complaints. See Onwubiko v. United States, 969 F.2d 1392 (2d Cir. 1992); Mora v. United States, 955 F.2d 156, 158 (2d Cir. 1992). The Clerk of the Court is further directed to terminate the pending motion as of the filing date.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
February 29, 2008

